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THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND HUMAN RIGHTS

by Professor D. Schindler

The separate evolution of international humanitarian law and of human rights

The 150th anniversary of the birth of Henry Dunant, the 30th anniversary of the Universal Declaration of Human Rights and the 25th anniversary of the European Convention on Human Rights were all celebrated in 1978. Also in 1978, both the American Convention on Human Rights (1969) and the Protocols additional to the Geneva Conventions (1977) entered into force. The concurrence of these various notable events, all relating to human rights, constitutes an appropriate occasion for an analysis of the relationship which exists between international humanitarian law and human rights.

These two branches of international law which had been developing separately for a long time began, after the Second World War, gradually to approach each other, and now one largely overlaps the other. Both have the same purpose: the protection of human beings. But they deal with different situations and have evolved differently, and it is this which needs to be stressed first of all.

Development of international humanitarian law

The aim of international humanitarian law, which is a branch of the law of war or of armed conflicts, is to protect individuals who have been

placed *hors de combat* or who do not take part in the conflict, and to ensure that they are treated humanely.

In nearly all the great civilizations, already in ancient times and in the Middle Ages, rules restricting the right of belligerents to inflict injury on their adversaries existed. Laws for the protection of certain categories of persons can be traced back to the Persians, Greeks and Romans, as well as to India, the Islam, Ancient China, Africa and the Christian States. Those categories included women, children and aged people, disarmed combatants and prisoners. Attacks against certain objects—places of worship for example—and treacherous means of combat, such as the use of poison in particular, were prohibited.

The law of war in its present form evolved, mainly under the influence of the Christian faith and the rules of chivalry, in the course of the wars waged by the European nations against each other after the appearance of the modern European State system. It was expressed in ordinances issued by States to their armies, laying down what was to be the behaviour of their troops towards the enemy, and also in bilateral pacts (cartels, capitulations, armistices) concluded by army commanders, with the purpose of arranging for the care of the wounded or for the exchange of prisoners of war. The uniform character of these regulations led to the creation of customary rules of law. The writings of publicists, such as Grotius and Vattel, contributed to the consolidation of customary law. But it was only in the nineteenth century, when wars were waged by large national armies, employing new and more destructive weapons and leaving a terrifying number of wounded lying helpless on the battlefield, that a law of war based on multilateral conventions was developed. It was not just a coincidence that this development took place at a time when, in the States of the western world, common principles in respect of human rights began to prevail. The decisive impulse to this general trend was given by the Geneva Convention of 1864 for the Amelioration of the Condition of the Wounded in Armies in the Field. It expressed with clarity this idea of generally applicable human rights, since it compelled the High Contracting Parties to treat equally their own wounded and those of the enemy.

The members of the Geneva Committee, who were the sponsors of this Convention and then continued to act under the name of International Committee of the Red Cross, later directed their efforts to the further development of international humanitarian law. In the course of the next few decades, provisions were adopted for the protection of other categories of persons, namely the wounded, sick and shipwrecked members of armed forces at sea (in 1899), prisoners of war (in 1929)

and civilians (in 1949). The Conventions were revised in 1906, 1929 and 1949, and in 1977 two Protocols supplementing the four Conventions of 1949 were adopted.

While the Geneva Conventions deal with the protection of persons who have fallen into the hands of an enemy (wounded, sick, prisoners of war, civilian persons), the Hague Conventions of 1899 and 1907 seek in the first place to lay down the conduct of military operations. They restrict the freedom of belligerent States to attack specified persons and objectives and ban the use of certain methods and means of combat in the conduct of war. Part of these rules have been re-affirmed and developed by the two 1977 Protocols to the Geneva Conventions. While the Hague Conventions ultimately also aim to protect human beings, humanitarian concerns are more pronounced in the Geneva Conventions, which deal directly with problems relating to persons affected by war.

Independently of the development of international humanitarian law, the International Committee of the Red Cross has acted also in various other ways to protect the victims of armed conflicts and, as a consequence, to work for the defence of human rights. It has been entrusted by the Geneva Conventions themselves with the task of contributing to and watching over their application; this it does mainly by its visits to prisoners of war and civilian internees. The International Committee has also carried out a wide range of relief operations to bring aid to persons affected by international or non-international conflicts and to the victims of internal strife and tension. The fact that, since the Second World War and in situations unconnected with armed conflicts, ICRC delegates have been able to visit in over seventy countries some 300,000 detainees unprotected by any Convention is, in the context of the protection of human rights, an achievement of considerable importance. As a result, this protection has been extended to a category of persons who are in a situation very similar to that of prisoners of war or civilian internees but for whom the States are not very eager to sign a convention because in the majority of cases these persons are nationals of the States.

Development of human rights

Human rights and the law of war evolved along entirely different and totally separate lines, but their spiritual roots may be traced in part to the same origin and, from the nineteenth century, a certain degree of similarity may be observed in the development of each. The first expressions of human rights may be found in the various declarations issued

by a number of North American States towards the end of the eighteenth century, in particular in Virginia's Bill of Rights of 1776, and also, for instance, in the French Declaration of the Rights of Man and of the Citizen pronounced in 1789. These declarations marked the accomplishment of a long process. British constitutional history is eloquent in this respect. The people of England managed to wrest from the king a certain number of rights set forth in various charters: in 1628 the Petition of Rights, in 1679 the Habeas Corpus Act and in 1689 the Bill of Rights. These rights could be overridden by Parliament and were not therefore considered fundamental rights or human rights as we consider them today. Most of them were none the less included in the human rights declarations of the revolutionary period and in this context they were accorded wider scope. Behind those declarations a long evolution of ideas may be perceived. Its beginnings may be traced to the stoic philosophy in Ancient Greece, a doctrine which claimed, for the first time, equality of all human beings. This idea was central to overcoming the obstacles constituted at the time by the isolation of peoples from each other and the lack of any rules of law for foreigners. The conquests of Alexander the Great and the Roman Empire lent further support to the stoic doctrine, which later was combined with the Christian dogma that man was made by the Creator in His own image and that all men were equal. This concept of equality permeated natural law in the Middle Ages and at the beginning of our modern epoch until it was finally incorporated in the teaching of the philosophers of the Age of Reason, on which the American and French declarations of human rights repose.

In the nineteenth century, declarations of fundamental rights were included more and more frequently in the constitutions of States, and today the constitutional law in nearly every country contains such guarantees. But until the Second World War international guarantees of this kind did not exist, if one excepts some international conventions on particular aspects of human rights, such as the abolition of slavery or the protection of minority groups.

At all times, human rights guarantees have primarily been concerned with the relations between States and their own nationals in time of peace. On the other hand, the treatment of enemy persons in wartime has always remained outside their scope. The cleavage between human rights and the law of war continued even when, after the Second World War, international conventions on human rights were concluded. They, too, govern in the first place relations between States and their own nationals. The adoption of these conventions resulted from recognition of the fact that the respect of human rights within every State was a condition for

the maintenance of peace. The United Nations Secretary-General, in his first report on "Respect for human rights in armed conflicts" (A/7720, para. 16), said: "The Second World War gave conclusive proof of the close relationship which exists between outrageous behaviour of a Government towards its own citizens and aggression against other nations, thus, between respect for human rights and the maintenance of peace". The relationship of human rights to internal law is the reason why the conventions in respect of human rights have been ratified by fewer countries than the Geneva Conventions. On 31 December 1978, 52 States were parties to the United Nations International Covenant on Civil and Political Rights and 54 to the Covenant on Economic, Social and Cultural Rights, while 145 States had notified their accession to the Geneva Conventions.

Relationship between international humanitarian law and human rights after the Second World War

At the United Nations, the view held at first was that the very fact that the law of war might be discussed within its walls would shake world confidence in its ability to maintain peace. The United Nations International Law Commission therefore decided, at the first meeting it held in 1949, not to include the law of war among the subjects with which it would concern itself. The Universal Declaration of 1948 does not refer in any of its provisions to the question of respect for human rights in armed conflicts. Conversely, the 1949 Geneva Conventions, which were drafted at more or less the same time, made no mention of human rights.

All the same, unintentionally, a link was established between those two branches of international law—the Geneva Conventions and the human rights conventions. On the one hand, a tendency may be detected in the *Geneva Conventions of 1949* for their provisions to be considered not only as obligations to be discharged by the High Contracting Parties but as individual rights of the protected persons. An article in each of the four Conventions provides that protected persons may not renounce the rights secured to them by the Conventions (article 7 of the First, Second and Third Conventions, and article 8 of the Fourth). Furthermore, article 3, which is common to all four Conventions, obliges the Parties to apply, as a minimum, certain humanitarian rules in an armed conflict not of an international character. It thus lays down the relations

between the State and its own nationals and, consequently, encroaches upon the traditional sphere of human rights. It should also be noted that it was the influence of the human rights movement which, in the 1950's, led to the use of the expression "international humanitarian law", when referring to the Geneva Conventions, a term which later was extended to cover the whole of the law of war or law of armed conflicts.

On the other hand, the *human rights conventions* contain provisions for their implementation in time of war. Article 15 of the European Convention on Human Rights of 1950 provides that in time of war or public emergency threatening the life of the nation certain rights contained in the Convention may be abrogated, except for four inalienable rights which constitute an "immutable core". Similar provisions are to be found in article 4 of the United Nations Covenant on Civil and Political Rights and article 27 of the American Convention on Human Rights. The human rights conventions may thus also be applied in the event of armed conflicts. Where a conflict does not threaten the life of the nation, which may be the case when a State carries out limited military operations on the territory of another, all provisions of the human rights conventions are applicable, side by side with international humanitarian law.

For a long time no attention was paid to the relations between those two branches of international law. It was only towards the end of the 1960's, with the outbreak of a succession of armed conflicts at this period—wars of national liberation in Africa, the Middle East conflict, the wars in Nigeria and Viet Nam—in which aspects of the law of war and aspects of human rights arose at the same time, that people became conscious of the relationship. At the International Conference on Human Rights, convened in 1968 by the United Nations at Teheran, a link was officially established between human rights and international humanitarian law. In its resolution XXIII adopted on 12 May 1968 and entitled "Respect for human rights in armed conflicts", the Conference urged the better application of existing conventions in armed conflicts and the conclusion of further agreements. This resolution initiated United Nations action on international humanitarian law, as may be witnessed in the Secretary-General's annual reports and the resolutions adopted every year by the General Assembly. It was the impulse given at Teheran which led the States to consider in a favourable light the development of the Geneva Conventions, whereas the "Draft rules for the limitation of the dangers incurred by the civilian population in time of war" presented by the International Committee of the Red Cross in 1956 had failed to elicit any comparable response.

The influence of human rights had an impact on the content of the two 1977 Protocols, several of whose provisions, for example article 75 of Protocol I (Fundamental guarantees) and article 6 of Protocol II (Penal prosecutions), are directly derived from the United Nations Covenant on Civil and Political Rights.

The convergence of international humanitarian law and human rights shows that war and peace, civil wars and international conflicts, international law and internal law, all have increasingly overlapping areas. It follows that the law of war and the law of peace, international law and internal law, the scopes of which were at first clearly distinct, are today often applicable at the same time side by side. Thus, the Geneva Conventions and the human rights conventions may often be applied in cumulative fashion.

Maintenance of separate human rights conventions and international humanitarian law conventions

We have seen that human rights and international humanitarian law overlap to a certain extent. Does that imply that once the conventions on human rights have been universally ratified they will supersede the law of Geneva and the law of The Hague? Evidently not, and in support of this assertion, we shall distinguish between two things: first, the degree of concordance of substantive rules in the two groups of conventions and second, the efficiency of the machinery of supervision and of sanctions provided for in each group.

Concordance of substantive rules

The Geneva Conventions appear to offer the victims of armed conflicts greater protection than do the human rights conventions because they are better suited to the circumstances.

Most provisions of the human rights conventions were elaborated without taking into account the special conditions met with in armed conflicts. This is noticable, for example, in the United Nations Covenant on Civil and Political Rights which protects only persons within the territory of a State Party to the Covenant (article 2, para. 1) but not those outside that territory who, in the case of an international armed conflict, would be equally in need of its protection. It is significant, too, that article 5 of the European Convention on Human Rights lists the cases

when a person may be deprived of his liberty but omits to mention the capture of prisoners of war and internment of persons on grounds of security. Furthermore, the provisions concerning the human rights guarantees and their limits would not be sufficient in the case of armed conflict. The following examples will suffice to show that the Geneva Conventions offer protected persons protection which is more extensive and better suited to armed conflict situations than that offered by human rights conventions.

The *right to life* is among the first rights referred to in those conventions (article 6 of the United Nations Covenant; article 2 of the European Convention; article 4 of the American Convention), qualified by some exceptions such as capital punishment or homicide in self-defence. A more specific definition is needed in armed conflicts, since the killing of enemy military personnel is considered to be a legitimate act. So the Geneva Conventions (and their 1977 Protocols) and the Hague Conventions forbid violence to the life of all protected persons (the wounded, the sick, prisoners of war, civilian persons); they likewise forbid the killing or murder of enemy persons who have laid down their arms, have surrendered or are defenceless. The prohibition is also extended to attacks on persons parachuting from an aircraft in distress, indiscriminate attacks, all acts intended to starve civilians, the destruction of objects and installations indispensable to the survival of the civilian population, etc. The right to life in armed conflicts would not be sufficiently regulated without such details.

The human rights conventions next guarantee the *right to personal liberty*. Here, too, they specify some exceptions, in particular the restriction of freedom following a criminal offence. They also forbid slavery and, subject to certain reservations, forced labour (articles 8 and 9 of the United Nations Covenant; articles 4 and 5 of the European Convention; articles 6 and 7 of the American Convention). These rights are, however, defined also in the humanitarian conventions applicable in armed conflicts. In particular, the taking of hostages and the deportation of civilians are prohibited; more detailed rules are laid down with regard to restrictions to the liberty of prisoners of war, the retention of medical personnel by an enemy, the internment of civilians of enemy nationality, the right to compel prisoners of war and enemy civilians to do work, and related questions.

It would not be difficult to demonstrate by further examples that the humanitarian conventions contain more extensive and more precise provisions for the protection of individuals in armed conflicts than the human rights conventions. Generally speaking, this is also true for non-

international armed conflicts. It is true that common article 3 does not offer more than the "immutable core" of the human rights conventions but Protocol II of 1977 lists a wider range of rights.

However, it is not the sole task of the law of armed conflicts to adapt certain human rights to the special situations of armed conflicts. It goes further for it lays down rules which lie outside the scope of human rights; conversely, the human rights conventions contain rules which are irrelevant to armed conflicts. In other words, the law of armed conflicts and human rights only partially overlap. The former, for instance, governs the right to take part in the fighting, the conduct of military operations, the conduct of economic warfare, in particular in naval war, and relations between belligerent States and neutral States. Such questions would have no place in human rights conventions, which in their turn, provide for rights which are of no importance in armed conflicts, for example, political rights or certain political freedoms, such as freedom of the press, freedom of expression, freedom of association.

Supervision and sanctions machinery

While the content of international humanitarian law coincides in part with that of the human rights conventions, they have different provisions regarding their supervision and sanctions machinery.

The *Geneva Conventions* are applied with the cooperation and under the supervision of the Protecting Powers and of the International Committee of the Red Cross, whose representatives are entitled to go to all places where prisoners of war or protected civilian persons may be and to interview them without witnesses. Their reports and recommendations are confidential; this measure encourages States to agree to such visits. As a general rule, appropriate action is taken on the recommendations and requests in the reports.

In an international conflict, the parties are obliged to admit supervisory bodies, but in the case of armed conflict not of an international character an impartial humanitarian body, such as the International Committee of the Red Cross, may only offer its services to the parties to the conflict. On the other hand, the ICRC may, in both international and non-international conflicts, take any initiative to protect persons affected by the conflict. It avails itself of this right of initiative in all armed conflicts, to bring material assistance, to exchange prisoners of war, and to request permission to visit persons deprived of their liberty.

With regard to the repression of breaches, a particularity of the law of armed conflicts is that its provisions, besides being binding on States,

are also directly binding on individuals. The State may therefore punish persons who have committed breaches, the legal basis being international law. The Geneva Conventions of 1949 and Protocol I of 1977 require the High Contracting Parties to provide penal sanctions for persons committing grave breaches of the Conventions or Protocol and to bring those persons to trial. The origin and the justification of penal guarantees in the law of armed conflicts are derived from the fact that it is primarily the members of the armed forces who have to apply the law of war. Therefore, penal sanctions would be the most suitable means for the repression of acts contrary to the law committed by military personnel. On this point the difference between the law of war and the system of human rights is fundamental. Where human rights are involved, it is basically the injured parties themselves who have to institute proceedings before the national courts and, if necessary, an international authority. In international humanitarian law, legal actions by injured parties are generally out of the question for two reasons: first, because legal proceedings are not appropriate to remedy breaches committed by soldiers and, secondly, because international humanitarian law protects primarily persons who, helpless and defenceless, normally would be in no position to resort to any legal process, whether national or international. The implementation of the humanitarian conventions is therefore better secured by the intervention of a neutral body, acting independently, and by complementary penal sanctions.

The *human rights conventions* provide that either the High Contracting States or the individuals whose rights have been infringed may lodge a complaint against the State which has committed the breach. The European Convention lays down that a High Contracting State may present a petition without restriction but that individuals do not have that right unless the State concerned has issued a specific declaration to that effect. In contrast, the American Convention allows the High Contracting States to present petitions on condition that they have published a statement to that effect, but individuals may do so in any case. In the United Nations Covenant, the procedure for petitions (here called "communications") is more limited. Communications by States may be received and considered only if both the plaintiff State and the defendant State have made a special declaration, which may be withdrawn at any time. Communications from individuals may be received and considered only if the State concerned is a party to the Optional Protocol annexed to the Covenant. This Protocol may be denounced at any time by a State Party and the denunciation takes effect three months after its notification.

Because of its optional character and the short period of time allowed for denunciation, the utility of the procedure in the United Nations Covenant is restricted in cases of armed conflict. The procedures in the European and American Conventions, not being subjected to any suspension in time of emergency, can play a more meaningful role in time of conflict, provided the work of the competent courts is not brought to a standstill by the war. They could be of great utility in conflicts not of an international character; in such cases there are no provisions for the institution of Protecting Powers, and the ICRC's offer of services may be refused. The procedures in the human rights conventions are, however, cumbersome—they might take several years—but the publicity attending them might serve as a substantial deterrent.

The supervision machinery of these two types of conventions can be fairly easily brought into action in a cumulative way, as their procedures are quite different, as a rule. Supervision by the ICRC or by a Protecting Power is much more swift and more direct than the system laid down in the human rights conventions; the latter, depending on circumstances, may even become superfluous. One can, however, imagine situations in which human rights agencies may act more efficiently than the ICRC, especially when they are empowered, as is the Inter-American Commission on Human Rights, to take action on their own initiative. When, in 1965, the Dominican Republic was in the throes of civil war, the Inter-American Commission, which already existed then, was very active, visiting interned persons. This it did in agreement with the ICRC delegates who were in the country, and the two organizations split their tasks between them and carried out their operations in such a way as to avoid overlapping.

Conclusions

After the Second World War, the idea that human rights should be guaranteed worldwide gathered momentum and not only led to the conclusion of conventions on human rights but also gave a vigorous impulse to humanitarian law. Without the impetus of human rights, the adoption of the two Protocols of 1977 additional to the Geneva Conventions would not have been possible. It is therefore right to say that there is a close relationship between those two branches of international law and that it is necessary to reconcile them. Nevertheless, human rights and humanitarian law must each constitute the subject of separate treaties. Armed conflicts require rules which are more precise

than and partly different from those that are necessary in time of peace. In addition, the provisions of humanitarian law must be supplemented by rules relative to the conduct of hostilities. Such rules are outside the sphere of human rights and, therefore, have to be dealt with separately.

It is likewise desirable that the supervision of the application of the human rights conventions should not be entrusted to the same bodies which supervise the humanitarian conventions. The mediation of Protecting Powers or of the ICRC, the visits to places of detention and the communication of confidential reports produce, in time of armed conflict, better results than formal complaints, which are usually possible only in peace-time, when individuals have free access to national and international authorities competent and able to enquire into allegations, institute conciliation procedure and issue judgements based on law. When the procedures specified by one or the other type of agreement can function simultaneously, that is not a disadvantage: it can but strengthen the protection of the persons concerned.

There is a further reason why separate rules are desirable for human rights, on the one hand, and the law of armed conflicts, on the other; namely that the humanitarian conventions are more widely accepted than the human rights conventions. The law of armed conflicts concerns questions which have for a long time been dealt with by international law. The parties have generally a reciprocal interest in its application. On the other hand, human rights were until recently—and indeed to a large extent are still—considered as forming a part of the domestic law of States. Much more than the law of armed conflicts, human rights are affected by the diversity of the concepts of the State and by ideological antagonisms. The adoption of the two 1977 Protocols additional to the Geneva Conventions is a proof that a separate set of rules for armed conflicts is in fact what States want.

For all the reasons set out above, the International Committee of the Red Cross can still make a contribution of paramount importance to the promotion of human rights. It does so by ensuring the application of existing humanitarian conventions and their development and by taking, independently of those Conventions, appropriate measures for the protection of all persons affected by armed conflicts or internal troubles.

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*THE ICRC, THE LEAGUE AND THE
REPORT ON RE-APPRAISAL OF THE ROLE
OF THE RED CROSS (VI)*

Co-operation between the League and the ICRC

Comments by the ICRC and the League

Introduction

By way of introduction to their comments on the Tansley Report proposals on co-operation between their two institutions, the ICRC and the League refer to the legal and practical basis of their existing co-operation.

They co-operate at the highest policy-making levels, the International Red Cross Conference and the Council of Delegates. The Statutes of the International Red Cross provide that it shall be *the duty of the Standing Commission between sessions of the Conference to ensure the co-ordination and harmony of the efforts of the International Committee and of the League* (Article 10/3).

Article 8 of the Statutes of the International Red Cross requires the ICRC and the League to maintain contact with one another and to co-ordinate their activities as far as possible: their representatives meet monthly to this end.

The 1969 Agreement between the ICRC and the League contains a number of provisions for co-operation in different types of situation, particularly in the field of relief. The Agreement also provides the statutory basis for the Co-ordinating Body, consisting of two representatives of each institution who are able to meet at short notice when necessary.

There is also a joint ICRC-League Committee which examines requests from National Societies for recognition by ICRC and admission to the League.

In addition to these statutory requirements for co-operation, there are frequent personal contacts between the leading officials of the ICRC and those of the League Secretariat, and informal contacts between the Chairman of the League and the President of the ICRC at least twice a year. There are, of course, close day-to-day contacts between the technical services of the League Secretariat and their counterparts in the ICRC.

The ICRC and the League give below, in condensed form, their reactions to each of the proposals made in the Tansley Report with regard to relations between them.

1. Recognition and admission of National Societies

It should be borne in mind that there are historical reasons for the dual process of recognition of National Societies by the ICRC and their admission as members of the League. The procedures for admission to the League have recently been reviewed in detail by the Constitution Revision Commission, with results which are reflected in the new League Constitution.

In order to make their co-operation in this field more effective, the League and the ICRC will make some technical improvements, in particular in their methods for assessing the operational capacity of applicant Societies.

2. Non-observance of principles by National Societies

The ICRC and the League recognize that there is a need to devise a procedure enabling them to help those few National Societies which are confronted by certain types of difficulty: non-observance of the fundamental principles, government take-over, misapplication of the statutes, period of inactivity, etc.

These are, of course, difficult and sensitive matters requiring tact and understanding.

In this connection, the proposals made by the Tansley Report for a *formal Review Board* (p. 97) are not perhaps the most appropriate

solution. On the other hand, the Joint Commission on National Societies' statutes has been reactivated following the Teheran Conference (Resolution VI). Its mandate includes the examination of cases where National Societies deviate from the fundamental principles or meet with constitutional difficulties.

3. ICRC's co-operation with the League in the development of National Societies

The Tansley Report proposes that the ICRC, as well as the League, should be involved in the development of National Societies. This is of course a field in which the two institutions do collaborate already to a certain extent, but they agree that the ICRC should take a more active part in this task whose importance is vital for the future of the Red Cross movement. Greater participation by the ICRC can be achieved without duplication and without trespassing on the League's established sphere of activity or upon its functions as defined in its new Constitution. There is, in fact, a gap to be bridged, especially as regards dissemination of knowledge of the Conventions and the preparation of National Societies for their work in time of armed conflict or disturbances.

Both institutions are in the process of improving their planning and development assistance and similar action. They intend to exchange the basic outlines of their long-term planning, and to do so at a sufficiently early stage to allow effective co-ordination before reaching policy decisions.

In the same line of thought, the ICRC accepts the Tansley Report's suggestion that it should issue a *Practical guide for the use of National Societies*, enabling them to better disseminate knowledge of Red Cross principles and of the Conventions, and better understand the various responsibilities which members of the movement may have to face in case of conflict. A draft text is being prepared and the League will be associated with it.

4. Joint Regional Offices

The Report proposes the creation by the ICRC and the League of joint regional offices, *under the International Red Cross banner* (p. 90). This proposal aims to strengthen co-operation in development work and to demonstrate the unity of the International Red Cross.

As has been stated earlier, the ICRC is determined to involve itself to a greater extent than in the past in the common effort with the League to help National Societies in their development. But in the opinion of the ICRC and of the League, progress in this direction does not depend on the creation of joint regional offices.

Two practical difficulties stand in the way of such an undertaking. In the first place, the sites where the ICRC needs resident regional delegations vary depending on its particular operational requirements (and are subject to change at short notice). The conditions which determine the locations of the League's development delegates stem from a completely different set of operational requirements. This means that in practice the two institutions' choices of sites would rarely coincide. Secondly, the ICRC feels that the particular requirements of its protection and assistance functions for victims of armed conflicts or internal disturbances would make it difficult to share offices and related facilities. The League understands this point of view, but it considers that in certain exceptional situations there could be such strong arguments in favour of a joint regional office that it would be unwise, as well as unnecessary, to rule out the possibility completely.

In any case, it is desirable—especially with regard to development—to strengthen as much as possible the collaboration which already exists in the field between the League and the ICRC. It is obviously important for the delegates of each organization to be completely informed of the activities of the delegates of the other, in order to be able to reply to questions on the subject in the course of their missions.

This means that the delegates' training must be widened to include this aspect, and that they must be briefed before their departure, not only by their own institution but also by the other. Meetings and consultations on the spot are also extremely useful and ought to be further encouraged.

For certain assignments, such as those relating to National Society recognition, preparing conferences or seminars, development aid and information, joint missions composed of delegates of the League and of the ICRC have been organized in the past and will certainly be arranged again.

5. One building for the League and the ICRC

The Report's proposal that the ICRC and the League should share a building, or at least a common site (p. 123), is viewed differently by the two institutions.

The League is in favour of the proposal, considering that great advantages would flow from it: technical and economic benefits would result, and above all the unity of the International Red Cross would be demonstrated convincingly to the public.

The ICRC also sees the advantages of the proposal; it considers however that it presents important drawbacks, in view of the type of mandate which it has received from governments and because of building costs.

Both the ICRC and the League are determined, however, that their difficulty at present in reaching agreement on this point shall not stand in the way of further development of practical co-operation between them across a wide range of technical and administrative matters, as discussed below.

6. Other areas of collaboration

It is desirable to continue and extend the existing co-operation on an empirical basis wherever possible.

The ICRC and the League have in mind in particular the following spheres:

1. Staff training

The proposal made in the Tansley Report that ICRC and League staff should receive the same training and guidance (p. 123) is basically a sound suggestion

There is already collaboration between the institutions with regard to the training of delegates for missions; the orientation of new office staff; and the exchange of experience between supervisory grades in Geneva. This shared activity, developed with the help of the Henry Dunant Institute, has already included the organization of several joint courses for new staff members of the two institutions and of a seminar on the ICRC for some League officials, in December 1976.

2. Collaboration between information services

Although the Tansley Report was fairly reserved on this subject (p. 123), the ICRC and the League feel that there is room for progress here.

First of all, with regard to general information on the Red Cross and on the basis of suggestions made by the two information services, common objectives to promote the Red Cross image in the world could be decided each year.

Valuable practical work has already been accomplished (examples: joint meetings on worldwide and regional bases of heads of information of National Societies, the League and the ICRC). Further possibilities for this sort of practical collaboration are at present being studied by both institutions.

Technical equipment for producing audio-visual material has been lent to the League by the ICRC on several occasions; further collaboration on a permanent basis is possible, the expenses incurred being shared by both organizations.

3. Relief operations

The problems raised by the organization of international relief actions are the subject of a special section in the Tansley Report, with an urgent recommendation to the Geneva institutions to further their collaboration in order to provide more effective relief to the victims of conflicts and catastrophes (pp. 81 and 124-125).

Within their particular functions, the ICRC and the League are willing to examine how they can extend their practical collaboration which has been carried on in this important field on numerous occasions, particularly in aiding the civilian population in Indochina (Indochina Operational Group, IOG, later INDSEC).

4. Appeals for funds from the National Societies

In order for major appeals to have more impact, whether in the event of conflict or of a natural disaster, the Tansley Report proposes that they should be addressed to the National Societies in the name of the International Red Cross, rather than separately by the League or the ICRC (p. 119).

The ICRC and the League think that this proposal goes too far, and that it is preferable for them to continue, as they have done for many years, to send joint appeals to the National Societies when circumstances allow this. But, to avoid confusion, it is important that in each case the responsibility for the operation envisaged be clearly indicated to the donors. Moreover, it is essential for the League and the ICRC to keep each other informed of their decisions and of the results of their appeals.

5. Joint technical study group on relief

Taking into account the elements common to all operations involving material aid (purchasing, logistics, communications, etc.), Mr. Tansley

suggests creating a joint technical group for the League and the ICRC, to operate for either of the institutions, depending on the case. In view of the preliminary need to study and to standardize the operational methods of both bodies, the first step to be taken in this direction would be to create a joint planning body for the purpose of carrying out the preparatory work (p. 125).

Bearing in mind their recent experiences of collaboration, the League and the ICRC willingly agree with the proposal to create a *joint technical study group on relief*. This group should be composed of members of the relief services of both institutions and should have as its aim the assessment of potential common Red Cross resources (sources of supply, purchasing, storage, transportation, standardization, general documentation, etc.).

This group would naturally also be responsible for pooling the experience gained by the two institutions in their own relief operations.

On the subject of a *joint technical bureau*, the principle of which was outlined by the ICRC as long ago as 1973, we feel that it raises some problems (for example, the exact purpose of the bureau, its administrative links, where it would be located), which should be given more thorough study.

In general, the ICRC and the League consider that, to improve their collaboration in this important area, it is desirable to work empirically and gradually, developing common working methods which have proved useful during the last few years and which might eventually result in different forms of work organization.

Relations between the National Societies and the ICRC

Comments by the ICRC

The ICRC should be in constant touch not only with the League, but also with the League members, the National Societies. It intends to strengthen these ties.

Although the ICRC works in close contact with governments, who wanted it to be uninational—a character which was approved by two International Red Cross Conferences—it has always considered that one of its basic tasks was to contribute, to the best of its ability, to uniting the Movement more closely and to strengthening the bonds among its members.

It was with this aim that, over the last few years, the ICRC opened several regional delegations which have enabled it to establish closer links with many National Societies. Other steps in the same direction were taken prior to the Tansley Report. These included the setting up in 1969, at the Geneva headquarters, of a Division to deal with problems relating to the dissemination of knowledge of the Geneva Conventions in collaboration with National Societies and, in 1973, of the National Societies and Principles Division. Mention should also be made of the seminar organized in 1963 on the work of the Red Cross, particularly of the National Societies, for victims of armed conflicts.

It seems necessary for the ICRC to continue its efforts in this direction and, as the Tansley Report suggests, to work closely with the League to promote a clearer understanding by all members of our Movement of the primary objectives of the Red Cross.

In its own sphere of activities (protection and assistance to victims of armed conflicts; preparation for such operations; dissemination of knowledge of and development of international humanitarian law), the ICRC should continue to act as the co-ordinator and prime mover of the

Red Cross. It is, however, essential that it should continue to seek ways and means for the League of National Societies to help it in these same activities.

1. Public relations and contacts with the leaders of National Societies

Anxious to pursue the policy of closer human relations initiated by its past Presidents and to increase the exchange of views on the main problems now confronting the Red Cross Movement, the ICRC intends to make use of every opportunity for meetings between its members and the leaders of National Societies.

2. Information

Nobody disputes the need for the ICRC to explain more clearly what it does and why it does it—as was mentioned several times in the Tansley Report. The efforts of the ICRC Press and Information Division to make the style of its publications more direct should be combined with improved oral communications during the sessions organized by the ICRC at Geneva for those taking part in meetings of National Societies.

The National Societies should have the opportunity of discussing more thoroughly the questions of particular concern to them and of making known to the ICRC their views on such questions.

In this respect, it is desirable that National Societies should take part not only in the preparation of certain publications, but also in their printing and distribution.

3. Co-operation in thought and deed

1. Protection and assistance

The foregoing observations concerning the need for National Societies to participate in certain of the tasks related to the protection of victims of conflicts presuppose rapid and systematic communication to Societies in countries directly concerned of information about measures taken by

the ICRC, and periodic reports for circulation to other, in particular donor, Societies.

It is also important that Societies directly concerned provide the ICRC with all information and recommendations relevant to the tasks to be undertaken and to the means required.

2. Dissemination of knowledge of the principles of the Red Cross and the Geneva Conventions

The ICRC strongly encourages the implementation of the recommendations of the Tansley Report aimed at increasing National Society participation in propagating the principles of the Red Cross and the Geneva Conventions, notably in co-operating with their own governments, and by appointing someone within the Society to keep constantly well informed of protection activities in their broadest sense, as described by the Tansley Report.

3. Studies and special assignments

As it has constantly done in its work to promote the development of international humanitarian law, the ICRC is ready to call upon experts in National Societies to study particular problems relating to other aspects of assistance to victims of conflicts and, if need be, to appoint advisory committees.

In addition, it would be pleased to entrust certain matters of a legal or doctrinal nature to specialists who would be made available by National Societies.

4. Contribution to general information and to the training of National Society personnel

Within the scope of the technical assistance provided by the ICRC and the League for the development of newly formed National Societies, the ICRC is ready, in co-operation with the League, to contribute to the training of personnel of these Societies, particularly in the following ways:

- (a) general information for senior executives of National Societies with special emphasis on:

- the structure of the International Red Cross;
 - the special role of the ICRC and the Central Tracing Agency;
 - the tasks that could fall to National Societies in the event of conflict.
- (b) training of personnel of National Societies to equip them with a thorough knowledge of “protection” in its broadest sense; dissemination of knowledge of international humanitarian law; tracing service; etc.

This training could be by seminars or courses held regionally or Geneva, and by temporary attachments at ICRC headquarters of staff from National Societies.

5. Analysis of National Societies

Generally speaking, the ICRC endorses the Tansley Report’s analysis of the institutional characteristics of a strong and active Society. But it should be clearly understood that such an examination is not intended to establish a comparative evaluation of the different Societies. Such a comparison, in view of their widely varying environments and conditions, would be impossible. Its aim is, rather, to supply useful information on those areas where their development efforts should be concentrated. Moreover, although many Societies do not measure up in every respect to the ideal described by the Tansley Report, it must be borne in mind that over one third of them came into being relatively recently and therefore have not yet reached their full capacity.

Some of the positive characteristics cited by the Tansley Report are especially important for preparing for the tasks incumbent on National Societies in the event of internal or international conflict. It stressed the need for a clear understanding, on the part of all members of the Society, of the principles of the Red Cross, for recruitment of members and leaders from a broad base, representative of the various elements of the population and, above all, for a proper balance in the implementation of the complementary principles of the auxiliary yet autonomous nature of the Society. The Report has admirably illustrated the practical implications of these two principles and the ICRC can only express its wholehearted support for the recommendations it makes on these fundamental issues.

Outside advisers to the ICRC

Comments by the ICRC

Almost all National Societies and States consider the independence, neutrality and impartiality of the ICRC to be essential for the performance of its tasks, and to be important factors in the cohesion and unity of the Red Cross Movement. In the main, that independence, neutrality and impartiality are based on three special characteristics of the ICRC:

- its members are co-opted, thereby excluding any kind of external influence;
- its members are all of the same nationality, thereby preventing governments from influencing the ICRC in reaching its decisions;
- being Swiss, its members are citizens of a country which is bound by neutral status in perpetuity.

The Statutes of the International Red Cross give expression to the determination of National Societies and of States that the ICRC shall be Swiss, hence uninational, and of co-opted membership.

Nevertheless, as the Tansley Report points out, the question has been raised in some quarters whether it would not be more suitable to *internationalize* the ICRC, not only to make it more *representative*, but because, according to those same quarters, *an international body would be more aware of the world and responsive to its problems* (p. 112). The Report examines this argument and concludes that the International Committee should continue to be constituted as in the past.

The ICRC shares the view that to internationalize the Committee would mean to introduce political controversies in its midst and hence put an end to an impartial protection, the only valid protection, for victims of conflicts. The Committee therefore realizes that its members must continue to be co-opted and all Swiss. It realizes that that is the wish of almost all States which entrust it with duties under the Geneva Conventions.

However, the Tansley Report adds that *at the Assembly level, there is no guarantee that its members will have a background or experience which will ensure a knowledgeable and realistic view of the world beyond European borders* (p. 113).

This inconvenience can be circumvented, explains the Report: *Another approach to improving the Assembly's understanding of events would be consciously to seek out sources of advice from around the world. If it is studying a problem of a general nature, it could seek one or more non-Swiss consultants. It could meet at regular intervals with certain groups of an international character—the proposed Executive Council of the League would be a good example of such a group* (p. 113).

The ICRC should certainly counterbalance the fact that it is not internationally representative by taking all the more heed, for that very reason, of ideas, facts and men of other nationalities. It has, in fact, had such an approach for several years, particularly in its efforts to codify humanitarian law, by consulting experts from all countries for advice in the drawing up of such law. It has shown the same spirit in other spheres, notably in its operations. It agrees with the Tansley Report that it has everything to gain by yet more frequent consultations with non-Swiss specialists in the regions or in matters in respect of which it has to reach decisions.

The semi-annual meetings of the future Executive Council of the League could be excellent occasions for such consultations. In addition to the general information meetings and individual consultations which are already current—but which could be improved and more thorough—topical problems or questions of general interest could be discussed by small groups of persons best qualified to deal with the subjects involved.

More frequent meetings between members of the International Committee and of the Standing Commission, when it meets in Geneva, could also be arranged.

In the last few years, the ICRC has on several occasions asked National Society Presidents to express their opinions to the plenary meetings of the ICRC General Assembly. This practice will be continued and ICRC exchanges of views with National Societies will increase at all levels.

Further opportunities for meetings and consultations will be provided by the seminars which the ICRC organizes on the dissemination of knowledge of the Geneva Conventions and of the Red Cross principles, and on any other subject within its province.

The ICRC will continue consulting all experts—whether of the Red Cross or not—who are able to advise it in one field or another. Such consultations, if organized systematically, would further its work and improve its efficiency.

To conclude, the ICRC takes the view that to counterbalance the need for its uninationality, it can and should seek the advice of authorities judiciously chosen in situations or problems confronting it. It would not thereby lose anything of its essential independence but would be better prepared to act for the greatest benefit of the victims whom it is its mission to protect.

INTERNATIONAL COMMITTEE OF THE RED CROSS

Grants in aid from the Maurice de Madre French Fund

GENEVA, 20 November 1978

Circular No. 512

*To the Central Committees of the National Red Cross,
Red Crescent, and Red Lion and Sun Societies*

LADIES AND GENTLEMEN,

In the February 1976 issue (No. 179) of *International Review of the Red Cross* (page 70), the International Committee of the Red Cross published the regulations of the Maurice de Madre French Fund. The aim of this Fund is to provide assistance, by paying for rest and convalescent cures, for persons of the permanent or temporary staff of international or national Red Cross institutions, such as delegates or nurses who, in the course of their work or during war operations or natural disasters, have suffered injury and have thereby found themselves in straitened circumstances or in reduced health (Art. 2 of the Regulations).

The board of the Maurice de Madre French Fund, appointed by the ICRC, has in the meantime sold the building which constituted the

Fund's principal asset, and it would seem that the time has now come to advise you of the conditions under which applications for the first grants may be made.

1. To qualify for a personal grant, persons coming within the scope of the Fund's Regulations must:
 - a) be, or in the course of the last year have been, a member of the permanent or temporary staff of a National Red Cross, Red Crescent, or Red Lion and Sun Society, or of the League of Red Cross Societies, or of the ICRC, as a delegate, doctor, nurse or orderly, technician, or employee (voluntary workers being considered on the same footing as paid staff);
 - b) have participated, during the past year, in a Red Cross action for the victims of an armed conflict or of a natural disaster;
 - c) in the course of that activity, have suffered injury whilst giving aid to the victims in particularly difficult or dangerous circumstances and, as a result, be in straitened circumstances or suffering total or partial invalidity of a temporary or permanent nature.
2. Requests for grants in aid must be submitted to the Board of the Fund within the first three months of each year by the organization to which the person in question belongs (National Society, League, ICRC).

Such requests must be made solely by means of the forms which the ICRC holds at the disposal of the Red Cross organizations making the requests. The forms must be accompanied by all the requisite substantiating documentation.

The requests and supporting documentation may be submitted in French, English, or Spanish.
3. Beneficiaries of grants are designated by the ICRC, at the request of the organizations to which they belong (National Societies, League, ICRC), after the Board of the Fund has made known its recommendations. As a rule, only one request for a grant from any one organization and for any one year will be taken into consideration.
4. When, in the circumstances referred to in paragraph 1 above, the financial position of the persons is such that they require a financial subsidy rather than a rest or convalescence cure, the ICRC may, upon the recommendation of the Board of the Fund, agree as a special

measure that the grants be utilized in that way. Applications must furnish the necessary detailed information to this end.

5. As a general rule, individual grants will be made annually from the Fund's revenue, after deduction of its administrative and running expenses.

In exceptional cases, payments may also be made from the capital.

6. The Board will give priority to requests it considers to be most worthy of interest, taking into account the state of health and the material situation of the persons concerned and, if need be, the order in which the requests were received.

In the event of dispute, the ICRC decision is final.

7. Additional information may be requested either by the Board of the Fund or by the ICRC, which may consult any person or body it deems appropriate.

The ICRC and the Board of the Fund reserve the right to check the manner in which the funds are used, whether such funds are remitted to the organizations submitting the requests, or personally to the beneficiaries themselves.

8. The Maurice de Madre French Fund can at any time be designated to receive gifts (donations and legacies) which will increase its capital.
9. The ICRC and the Board of the Fund reserve the right at any time to change or supplement the provisions set out above.

FOR THE INTERNATIONAL COMMITTEE
OF THE RED CROSS

Alexandre Hay
President

Resignation of a member of the International Committee

At its meeting on 18 January 1979, the ICRC Assembly noted the resignation of Mr. Herbert Lüthy, who had been a member since September 1975.

Mr. Lüthy, who is Professor of contemporary history and Swiss history at the University of Basle, felt that his duties at the university did not leave him free enough to make a valuable contribution to ICRC work.

The Assembly regretfully accepted Professor Lüthy's resignation and thanked him warmly for his valuable assistance in the past.

Appointments at the Henry Dunant Institute

At its meeting on the 20th December 1978, the General Assembly of the Henry Dunant Institute appointed Mr. Jacques Meurant, Special Adviser to the Secretary-General of the League of Red Cross Societies, in charge of statutory matters, as Director of the Institute. He succeeds Mr. Jean Pictet, Vice-President of the International Committee of the Red Cross, who has reached retirement age.

Mr. Meurant joined the League Secretariat in 1962, first handling administrative subjects before assuming responsibility for legal and statutory matters. He conducted research and studies on the statutory texts, functions and structure of the League and National Societies and on the mission and development of the Red Cross in present-day society. He contributed to the studies on the re-appraisal of the role of the Red Cross, took part in the revision of the League Constitution, and studied aspects of Red Cross policy on major issues, such as the Red Cross and peace. He was recently associated with the work of the Diplomatic Conference on the reaffirmation and development of international

humanitarian law, and he co-ordinated League activities for the dissemination of knowledge of international humanitarian law and of the principles and ideals of the Red Cross.

In the course of his duties Mr. Meurant has developed many contacts with National Red Cross Societies and worked closely with the ICRC, the Henry Dunant Institute, and specialized humanitarian agencies and institutions.

Mr. Meurant, a 46-year old French citizen with a doctorate in political science and an Arts degree, will take up his new duties on the 1st July 1979.

The same General Assembly appointed Mr. Jiri Toman, the Institute's Director of Research, to the post of Assistant Director. Mr. Toman taught international law at the University of Prague for some years before entering the Henry Dunant Institute in 1969 as its research worker. He is the author of several books and articles on international law.

Distinctions to the International Tracing Service

At the end of 1978 the Government of the Federal Republic of Germany showed its appreciation of the ICRC and of the work of the International Tracing Service at Arolsen by the award of the Grand Cross of the Order of Merit to the former directors of the International Tracing Service, namely, Mr. N. Burckhardt, who was director from 1955 to 1970, and Mr. A. de Cocatrix, director from 1970 to 1977.

A ceremony took place in Geneva on 19 December 1978 when, in the presence of Mr. Alexandre Hay, ICRC President, and a number of notabilities, the Permanent Representative of the Federal Republic of Germany at the International Organizations in Geneva presented the award to Mr. Burckhardt and Mr. de Cocatrix.

EXTERNAL ACTIVITIES

Africa

Southern Africa

Rhodesia/Zimbabwe

The ICRC delegation in Rhodesia/Zimbabwe continued its protection and assistance activities.

In November, work was begun near Salisbury on the building of 300 shelters for displaced persons who had fled from unsafe areas to seek refuge around the large urban centres. The Rhodesian authorities gave the land, laid drinking water mains and provided sanitation. The cost of the actual buildings will be covered by the ICRC and its delegates have undertaken to draw up the list of needy families to whom homes will be allocated. It is estimated that the project will take 18 months to complete and will cost 355,000 Swiss francs.

In the medical field, the ICRC has at present on its staff 57 African paramedical personnel, working in 27 rural dispensaries. It also runs nine dispensaries in the Tribal Trust Land, where 16,000 patients are treated monthly. Moreover, ICRC mobile medical teams, in their periodical visits to mission dispensaries and hospitals, tend 2,600 cases every month.

A new clinic was opened by the ICRC in the "protected village" of Bweke (Mt. Darwin district). It will provide medical care for the 10,000 or so local inhabitants who had been without any medical facilities after the Karanda Mission Hospital closed down. Its personnel, assisted by Red Cross voluntary helpers, have been engaged by the ICRC. An ICRC mobile medical team will visit this clinic every fortnight.

Concerning relief, in December 1978 the ICRC distributed in the villages foodstuffs, blankets and clothing to a value of 68,000 dollars. At Christmas, gift parcels were distributed to all persons arrested under the Emergency Regulations.

In January 1979, despite the extension of martial law in the east and north of the country, the ICRC was able to distribute nearly five tons of relief goods, mainly foodstuffs, in the towns and "protected villages" in Matabeleland and Manicaland.

Botswana

The ICRC team which recently went to the Bobonang border region to examine the situation of refugees from Rhodesia/Zimbabwe has decided to provide certain articles which they lacked, such as powdered milk, blankets, clothing and tents.

ICRC medical teams have set on foot a campaign to vaccinate about 8,000 persons in the Dukwe refugee camps to combat an incipient epidemic of typhoid fever.

In an attempt to improve sanitary conditions in the camps, the ICRC has started special classes in the rudiments of hygiene for young men and women.

Tanzania/Uganda

Following the clashes which took place between Tanzanian and Ugandan armed forces early last November, the ICRC dispatched a delegate to Dar es Salaam and one to Kampala.

The ICRC delegate to Dar es Salaam, Mr. Thierry Germond, had talks with the Prime Minister of Tanzania and senior government officials, as well as with National Red Cross leaders. Mr. Germond was granted authorization to go to an area in the north of the country not far from the combat zone. Accompanied by representatives of the Tanzania Red Cross, he visited the Bukoba region in particular, close to the Kagera River, where he saw, housed in three schools, about 1,500 civilians who had lost all their possessions. According to government sources, there were about 48,000 displaced persons in this region. As a first step, the ICRC decided to furnish 10,000 blankets, 10 tons of powdered milk, clothes and kitchen utensils, to a total value of about 250,000 Swiss francs. An ICRC specialist in relief matters flew to Dar es Salaam to arrange for the delivery of the relief goods on arrival in Tanzania and for forwarding them by rail and road to Mwanza. From there, arrangements will be made by the ICRC and the Tanzania Red Cross to have them distributed to people in the affected areas. At the beginning of January, 2,500 blankets had already been given to some of the 4,000 displaced persons in a camp at Kashaba.

In Uganda, the ICRC regional delegate for East Africa went to Kampala to find out what kind of aid the ICRC could provide for the victims of the events and confer with the authorities responsible for refugee aid and with Uganda Red Cross leaders. It turned out that assistance would not be necessary at this stage as the government had been able to provide accommodation for the displaced persons. But it was agreed that should the authorities find that emergency measures would have to be taken they would call upon the ICRC, through the National Society.

On 27 January, the ICRC, concerned to alleviate the sufferings of civilian and military victims, sent a note to the Governments of Tanzania and of Uganda, reminding them of their obligations under the Geneva Conventions and offering them its customary humanitarian services.

Zambia

Continuing its relief activities in the refugee camps the ICRC has launched a special sanitation programme. At the beginning of January, it distributed 23 tons of building material for the construction of latrines in various camps in Zambia.

In December 1978, a course on hygiene and public health was given by Mr. El-Badri, a Sudanese expert on hygiene, lent to the ICRC by the World Health Organization. It was attended by a group of young voluntary workers from among the refugees who subsequently will be in charge of public health matters in the camps.

In the field of relief, the ICRC handed over to the Zimbabwe Patriotic Front (Zambia's ZAPU branch) 6,900 blankets for refugees in the newly set up Zambezi camp.

East Africa

Ethiopia

In December the ICRC continued its humanitarian activities in aid of the victims of fighting in Ethiopia. Through the Ethiopian Red Cross, 53 tons of foodstuffs (flour, sugar, lentils, beans and vegetable oil) were provided by the ICRC delegation in Addis Ababa for the civilian population of Asmara.

The ICRC also sent more aid to various groups of destitute persons, victims of the Ogaden conflict. In December, 28 tons of foodstuffs and 4,000 cakes of soap were dispatched to the Sidamo area, 13 tons of foodstuffs and 3,800 blankets to Bale, and 16 tons of foodstuffs to Harrarghe.

Medicaments and medical equipment were sent to Harrarghe and Tigre, while a consignment of 2,000 blankets was delivered by the ICRC to the Ministry of Health for the "Black Lion" Hospital in Addis Ababa.

In January, the ICRC donated to the Ethiopian Red Cross six ambulances worth about 165,000 Swiss francs. This gift will help the National Society to expand its activities in the areas affected by the fighting.

Also in January, an extensive programme for amputees was inaugurated with the arrival in Addis Ababa of two physiotherapists who will work in the Debra Zeyit war-disabled rehabilitation centre. They will be joined subsequently by three more orthopedists.

Relief supplies distributed in January amounted to 1.3 tons of foodstuffs, 20 tons of medicaments and medical equipment and 1,000 bed-sheets and as many pillows.

Somalia

The first part of the aid programme for paraplegics, begun by the ICRC in May 1978 with the co-operation of orthopedists made available by the Danish and Norwegian National Societies, was brought to a close in December 1978. Some twenty patients, whose ages varied between 17 and 45 years, received treatment from the ICRC team, whose members have been replaced by local personnel trained by them. It is possible that, in the second stage of the programme, the team of foreign specialists will undertake a further medical mission in Modagishu.

Central and West Africa

Chad

In December 1978 and January 1979, the ICRC delegates in Chad continued their work of protection and assistance for prisoners and civilians, employing an aircraft chartered by the ICRC for transportation, which if effected by road would have been extremely arduous and dangerous.

Further visits to prisoners of war were made in the Tibesti region: the camps at Bardai, Zoui, Edissi, Zoumri, Fada and Faya were visited and foodstuffs distributed to the captives and their families. At N'Djamena, ICRC delegates saw 29 Frolinat prisoners in government hands and 21 political detainees.

Over fifty persons were taken by air, under ICRC auspices, from the Tibesti region to N'Djamena as a result of Frolinat's decision to release some of the families of prisoners of war and of government employees.

Thirteen other persons, in need of medical treatment, were taken by the ICRC to Faya.

Tracing Agency activities in the last few weeks included the dispatch of 2,255 family messages from Faya to N'Djamena and 2,756 messages from N'Djamena to Faya.

In the field of relief, the ICRC aircraft made six flights in December, carrying about 90 tons of supplies from N'Djamena to Faya.

Latin America

Nicaragua

From September 1978 to the end of the year, the monetary value of the ICRC's action for victims of the events amounted to about a million dollars (food supplies, medical assistance, transport, operating expenses and so on).

During the first fortnight of December, ICRC delegates visited 220 detainees in seven places of detention and about 300 persons who had sought refuge in two embassies. Relief supplies—mainly medicaments—were provided with each visit. In January the visits continued to places of detention in Managua and the provinces and also to the refugees in the two embassies.

In addition, on 22 December 1978, ICRC delegates and representatives of the National Societies concerned attended the repatriation of 15 Nicaraguan soldiers who had been arrested in Costa Rica a few days previously.

In the adjoining countries of Honduras and Costa Rica, ICRC delegates visited civilian internees and refugees. Assistance to the refugees in the camps in these countries is the responsibility of the United Nations High Commissioner for Refugees in collaboration with the National Red Cross Societies. The National Society and the ICRC distributed in Nicaragua 30,000 food rations in November and 20,000 in December (half of this quantity being extra rations for Christmas). The beneficiaries received rice, beans, maize, oil, salt, sugar, sardines, coffee and fruit juice. The value of these supplies for the last two months of the year amounted to 280,000 dollars.

Argentina

During the last two months of 1978 and January 1979, the ICRC delegates in Argentina visited seven places of detention where they saw 1,289 persons arrested in connection with the events.

Chile

While in Santiago from 3-10 January, the ICRC regional delegate for the Southern Cone visited a place of detention where he saw 38 detainees for whom he provided 225 kilos of relief supplies from the ICRC stock in Santiago.

Colombia

An ICRC regional delegate went to Colombia in mid-January to visit civilian and military places of detention. By the end of the month he had visited 160 detainees in seven places of detention.

Asia**Iran**

The rapid deterioration of the situation in Iran in the course of the last few weeks of 1978 led the ICRC to strengthen its delegation in Teheran by appointing three more delegates and a doctor.

In December the delegates continued visiting convicted political detainees still in detention and also persons recently arrested. They went to three prisons in Teheran where they saw 455 detainees, 156 of whom had been arrested during recent demonstrations.

In January, the delegates contacted all parties involved in the crisis with a view to working for the benefit of the victims in all circumstances. They also continued their activities for the injured and for arrested persons. They regularly visited several hospitals in Teheran.

A delegate and a doctor went to Qazvin, which had been the scene of serious violence, to meet local doctors, military officers and representatives of the opposition. They visited two hospitals in the town and observed that the medical situation was under control.

On 14 January the delegates went to Ghasr prison in Teheran where there were 131 convicted political detainees and 130 persons who had been arrested during recent demonstrations. A few days later most of the convicted detainees were released.

The ICRC Central Tracing Agency is maintaining regular contact in Teheran with families seeking news of relatives who have been arrested or reported missing.

ICRC intervention resulted in the dispatch from New York, where it had been blocked, of a consignment of 15 tons of blood transfusion

material and equipment to Teheran. The consignment, ordered by the Iranian Blood Transfusion Service to cover needs for the next four months, is of vital importance in the situation prevailing in Iran.

Cambodia

In view of the fighting which occurred in Cambodia, the ICRC, anxious to relieve the suffering of civilian and military victims, approached all parties involved at the beginning of January to remind them of the provisions of the Geneva Conventions and to offer its humanitarian services. The ICRC declared its willingness in particular to visit prisoners and to receive lists of their names.

Thailand

From 4 to 18 December 1978, an ICRC delegate visited 26 police stations, 2 detention centres, 4 refugee camps and one prison in the East and North-East of Thailand. In 14 police stations and 2 detention centres he saw 1,481 persons from neighbouring countries detained for illegal entry into Thailand. The delegate distributed relief supplies to a value of 2,740 Swiss francs.

In January the ICRC conveyed to the Government of Thailand its concern at the conflict waged in Cambodia. It offered its services to the authorities for the provision of assistance, particularly medical, to the civilian and military victims who were making their way to Thailand. It stated that it was prepared to give support to the Thai authorities and Red Cross.

The National Society has taken steps to give shelter to refugees and wounded from Cambodia in the frontier region of Aranyaprathet. It has also taken over the running of the town hospital of which it has doubled the capacity by erecting a field hospital. ICRC delegates have several times been to Aranyaprathet to keep an eye on the situation.

Malaysia

Since 1975 the Malaysian Red Crescent, in partnership with the High Commissioner for Refugees, and in co-operation with the Malaysian Government, has been distributing relief supplies in nine camps for Vietnamese refugees.

To cope with the growing tide of "boat people", whose numbers are now estimated at 50,000, the League of Red Cross Societies has seconded three technical advisers in relief and health to the Malaysian

Red Crescent. Also on the spot is the special adviser to the League Secretary-General on relief and development, Mr. P. C. Stanissis.

The ICRC is also co-operating in the Red Cross operations for the benefit of Vietnamese refugees in Malaysia. It is not providing supplies, a function which is not assigned to it in this case, but it is very active in the Tracing Agency operations.

The Deputy Director of the Central Tracing Agency, Mr. Nicolas Vecsey, has been in Kuala Lumpur since 4 January, to co-operate with the Malaysian Red Crescent in assessing the difficulties facing the Agency work in the camps for Vietnamese refugees, to work out a plan of action, and to help the Red Crescent to set up an agency office. Three officials made available by the National Societies of the Federal Republic of Germany and Switzerland, and a technical adviser from the Agency reached Kuala Lumpur at the end of January to participate in these activities.

A preliminary appraisal shows three areas for priority action: exchange of correspondence between refugees in Malaysia and their families outside the country; the tracing of missing persons and reuniting of separated families; and the transmission of funds and parcels between the refugees and their families abroad. It was proposed to introduce the use of 25-word Red Cross message forms giving family news only, which would allow the flow of correspondence to be set in motion. At the same time a rationalization of the system of registering refugees and, in particular, precise co-ordination among the UNHCR, the National Society, the League, and the ICRC should make it easier to trace people and reunite families.

On 12 January, the League and the ICRC launched an appeal to the international community to make it aware of the plight of the refugees. On 23 January, the League appealed again to its members to provide the logistic and financial support required to expand the Malaysian Red Crescent operations.

Asian Sub-continent

The ICRC regional delegate for the Asian Sub-continent, Mr. Dominique Borel, in Nepal, from 5-9 December, and in Pakistan from 11-17 December, conferred with the authorities and National Societies on subjects of common interest.

Indonesia

By the end of December 1978, ICRC delegates in Indonesia had completed a round of visits to places of detention in which were held

political detainees who had been arrested after the events of September 1965. The visits took place in three stages: the first was from January to April, the second from May to July and the third from the end of October to the end of December. In the third stage, in addition to the places of detention mentioned in the previous issue of *International Review*, the teams of delegates went to the islands of Java, Sumatra and Bali. Each team consisted of a delegate, a doctor and an interpreter, all of Swiss nationality.

Europe

Missions in Scandinavia

On 5 and 6 December 1978, Mr. Michel Convers, ICRC Assistant Director of Operations, took part in two meetings organized by the National Societies of Denmark and Sweden. At the Copenhagen meeting Mr. Convers outlined ICRC activities to a group of prospective delegates for International Red Cross operations. At the second meeting, in Stockholm, he spoke to officials of the Swedish Ministry of Foreign Affairs and of CIDA (a government body responsible for foreign aid) on the ICRC's role and activities throughout the world and in particular in Africa.

ICRC technical adviser Philip Eberlin attended the Third International Symposium on Wound Ballistics in Göteborg (Sweden) from 6-8 December 1978. About 120 experts from 16 countries took part in the Symposium. It was because the ICRC has for years been conducting research and inquiries into the effects of modern weapons that an ICRC expert was invited to the symposium. Mr. Eberlin's functions, in fact, require him to take part in many similar international meetings.

Cyprus

From 4 to 14 December 1978, Miss Lix Simonius, ICRC delegate, was in Cyprus visiting minority communities, in particular those in the northern part of the island. She met government and Red Cross officials in both parts of the island and examined with them various humanitarian issues.

Middle East

Lebanon

As soon as fighting and shelling at Beirut and its surroundings ceased in October, the ICRC resumed its humanitarian activities for the civilian population, and continued to the end of the year. In all, relief to a value of 1.9 million Swiss francs was forwarded to or bought in Lebanon for distribution to the combat victims. The supplies consisted mainly of powdered milk, baby food, blankets, clothing and medical supplies. Distribution was carried out in close co-operation with the National Red Cross Society, official State services and international and other humanitarian organizations operating in Lebanon.

The ICRC has been giving priority to the provision of food and medical supplies to villages which are beyond the reach of other relief organizations. ICRC action extends also to some ethnic or religious minorities and to many hospitals and dispensaries which it supplies with medicaments and medical materials. During the second half of 1978, for instance, the ICRC distributed in the regions of Metn, Kesruan, Jbeil and East Beirut 19.7 tons of medical supplies to dispensaries and 4.3 tons to hospitals. In addition, 51 tons of food, 15 tons of clothing and 510,000 blankets were distributed to victims of the fighting.

In January, following the shelling which occurred in Southern Lebanon, ICRC delegates went several times to the Tyre region to assess medical and other needs. Emergency surgical kits were provided for a number of dispensaries and hospitals. For the civilian population as a whole, several thousand members of which have fled to the north, ICRC assistance did not prove necessary since the government body was well coping with the situation.

*

A five year old boy who had been wounded during the fighting in March 1978 and taken to a hospital in Israel was returned to his family on 13 December under the auspices of the ICRC. The transfer took place at the frontier post of Ras-Nakura.

*

The Israeli prisoner of war held by the PFLP General Command was visited by the ICRC on 14 January. Family messages were exchanged.

Israel and the occupied territories

In January 1979 the ICRC delegates continued the 42nd series of visits to places of detention, begun in autumn last year. They went to 14 prisons where they saw 3,059 civilian Arab detainees who had been arrested for security reasons or for penal law offences.

ICRC delegates carry out each year two main series of visits and two interim visits to places of detention. The ICRC also finances the transport of detainees' families who live far from the prisons, so that they may visit their detained relatives. In addition, the ICRC provides winter clothing for some detainees who cannot be visited by their families. Under an agreement with the Israeli authorities, ICRC delegates are authorized to visit civilian Arabs within 14 days of their arrest, while their cases are being investigated.

*

Several travel operations were organized in December and January under ICRC auspices.

At El Khirba, in the United Nations buffer zone in the north of the Sinai, in the course of two operations, 296 persons en route for Cairo to visit relatives, and 78 students crossed the zone. In the opposite direction, 154 graduates, 44 notables and 281 visitors returned to the occupied territories of Gaza and Sinai.

Across the Allenby Bridge, over the Jordan, ICRC delegates escorted five deaf and dumb children who were on their way for treatment in a specialized institute. They conducted the children back to the West Bank on 11 January. In addition, a person who had inadvertently crossed the frontier was repatriated to Jordan. In the opposite direction, a detainee and two persons who had strayed from the occupied West Bank were handed over by the Jordan authorities to the Israeli authorities.

Dissemination of knowledge of international humanitarian law

Summary of activities in 1978

In October 1977 the Twenty-third International Red Cross Conference at Bucharest adopted a number of important resolutions relating to a more extensive dissemination of knowledge of international humanitarian law and Red Cross principles. The Conference laid emphasis on the capital importance for the Red Cross of promoting its ideals among youth and of getting young people to take part in its dissemination efforts, so that they, in their turn, may contribute to the spread of this message of humanity, mutual understanding and peace (Resolutions VII and XIX).

This was the spirit in which the ICRC and the League of Red Cross Societies had drawn up—well before the Conference—the “Red Cross Teaching Guide”, a publication that aimed to guide and facilitate the teaching of the principles and ideals of the Red Cross and the rudiments of international humanitarian law. The “Red Cross Teaching Guide” was also the subject of a resolution adopted by the Bucharest Conference (Resolution XVIII).

In response to the wishes expressed in the resolutions, the ICRC and League, in co-operation with several National Societies, organized in 1978 a number of seminars, regional meetings and training courses, all with the purpose of disseminating and teaching the principles of the Red Cross and of humanitarian law. International Review regrets that it cannot give a detailed account of each of those meetings and must restrict itself to enumerating some of them with a short reference to the main results obtained.¹

¹ The ICRC has issued separate brochures containing summaries of the principal seminars, together with the full text of the decisions and resolutions adopted at those seminars.

The "Fourth European Regional Meeting of National Red Cross Youth Directors" was held from 31 March to 4 April in Norway; the "Sub-Regional Training Seminar for National Red Cross Youth Leaders and Instructors in Eastern and Southern Africa" was held from 16 to 27 April in Zambia; the "Sub-Regional Training Seminar for National Red Cross Youth Leaders and Instructors of the English-speaking National Societies of West Africa" was held from 1 to 10 August in Ghana, and the "Arab Regional Meeting of National Red Cross/Red Crescent Youth Leaders" was held from 24 to 29 September in Kuwait. The Lebanese Red Cross presented at the Kuwait meeting its Arabic translation of the "Red Cross Teaching Guide".

Seminar at the Henry Dunant Institute

From 16 to 24 May 1978, thirty leaders of French-speaking National Red Cross and Red Crescent Societies in Europe, Africa and Latin America attended a seminar in Geneva, in the course of which they were introduced to the international activities of the Red Cross. They listened to accounts of recent developments in international humanitarian law, the position of the Red Cross confronted by contemporary world problems, and the dissemination of the principles of the Red Cross; each lecture was followed by a discussion.

The seminar was directed by the Henry Dunant Institute, with assistance from the League and ICRC.

Mombasa Seminar

The "First African Red Cross and Red Crescent Seminar on the Dissemination of International Humanitarian Law" took place at Mombasa (Kenya) from 11 to 26 August 1978. It was jointly organized by the ICRC and the Kenya Red Cross Society and attended by representatives of twenty English-speaking African National Societies. The League sent three delegates, while the British and Swedish Red Cross Societies were each represented by an observer. The purpose of the seminar was, first, to give participants a general idea of the fundamental principles of international humanitarian law and, then, to seek with them the best way to ensure its dissemination among the various groups concerned (armed forces, universities, schools, the general public), while taking into account the characteristics and needs of each country.

The first week was devoted to the study of the basic principles underlying international humanitarian law. Papers on subjects such as

“History and nature of international humanitarian law”, “International humanitarian law and African customs”, were read by specialists from Geneva and various African countries.

For the second week of the seminar, the participants split into two working groups. One of the groups studied dissemination among the armed forces and in universities, schools and other governmental institutions. It also examined leadership training, the role of the National Societies in those circles and their possibilities and methods of action. The other working group studied dissemination methods among the National Societies and general public and also considered the question of leadership training.

The discussions of the two working groups were summarized in the form of conclusions, which were then adopted at a plenary meeting of all the seminar participants. These conclusions constituted an inventory of the dissemination methods considered to be appropriate for the different circles studied by each working group.

At the plenary session, the participants adopted a document on the basic principles underlying each dissemination action. It laid emphasis on the importance of motivation of persons responsible for the dissemination of international humanitarian law; it mentioned the responsibility of governments which were bound, under the Geneva Conventions, to make the law known as widely as possible. It stressed the role of the National Societies, ICRC and League which shared a statutory and moral responsibility in this sphere and pointed to the need to adapt dissemination to the social, cultural and economic factors in each country.

Gdansk Seminar

A “European meeting on Red Cross teaching of humanitarian principles to young people” was held from 2 to 12 October 1978 at Gdansk (Poland). It was organized jointly by the Polish Red Cross and the ICRC. National Societies of sixteen European countries sent representatives. The League, too, was closely associated in the work of the meeting.

The purpose of the meeting was, first, to compile an inventory of suitable dissemination methods among young people, and second, to take action on resolution XVIII adopted by the Bucharest Conference, recommending that National Societies should encourage the use of the “Red Cross Teaching Guide”, adapt it to the sections of the population to be reached and train persons responsible for disseminating it in their countries.

Before closing, the meeting adopted a document which stated in its preamble the principle that the dissemination of Red Cross ideals should not be dissociated from the propagation, by all members of the Red Cross family, of a spirit of peace.

This document then set forth a certain number of recommendations, arising from the discussions: the appointment and training, by the National Societies, of permanent officials to be in charge of dissemination operations; the elaboration, by the ICRC and League, of a catalogue of existing dissemination equipment available for National Societies, listing all material issued by the ICRC, League and National Societies; the organization of summer camps for young people at which they could attend courses; and the introduction of educational games to inculcate in children such sentiments as respect for others and hatred of war.

A number of conclusions were also adopted with the aim of spreading the utilization of the Red Cross Teaching Guide.

The participants took note with interest of the fact that the Teaching Guide has been translated into Arabic by the Lebanese Red Cross and into Spanish by the Spanish Red Cross, and that the National Societies of several other countries had started work on translation into their national tongue.

Kuala Lumpur Seminar

The "First Asian Seminar on Humanitarian Law", organized by the Malaysian Red Crescent and the ICRC, was held in Kuala Lumpur from 14 to 24 November. Some 50 delegates from 19 countries in Asia and the Pacific, a delegation from the League of Red Cross Societies and observers from several international organizations (such as the HCR, ICEM, the Asia Foundation) were present.

In the first week, after the opening ceremony in the presence of the Malaysian Minister for Foreign Affairs, the delegates listened to seven lectures on different aspects of international humanitarian law, delivered by specialists from countries taking part in the seminar and from the ICRC (Geneva). Each lecture was followed by a discussion allowing the participants to express their views on the subjects in hand.

During the second week, the delegates divided into two working groups. The first dealt with dissemination of knowledge of humanitarian law among the armed forces, in government institutions and in universities and schools, and also with the role of the National Societies in this field.

The group reached numerous constructive conclusions. International humanitarian law should be included in courses for armed forces as a subject complementary to the law of war. At university level, it was felt that it would be more difficult to introduce international humanitarian law as an extra course, but the participants considered that it should be possible to allocate a few hours a term to this subject in the course on international law. Students might be given the possibility of studying it as an optional subject or as a thesis subject. Schoolchildren—who, after all, might be called upon to serve one day in the armed forces—should be taught the fundamental principles of international humanitarian law and of the Red Cross. The need to inform government circles at all levels was stressed; this should be done through the National Societies, which could become the “conscience of the nation” in this matter.

The second working group also considered what the National Societies might do in the field of dissemination, and the methods to be used. All the participants agreed that a person should be placed in charge of dissemination in each Red Cross or Red Crescent Society. The need for supporting texts was stressed. However, in the case of Asia and the Pacific, it would be necessary to take into account the importance of the vernacular languages and to acknowledge that the best means of communication were radio and television. Dissemination material should therefore be translated into the local languages if the general public was to be reached. Finally, it was suggested to set up committees to co-ordinate with various sections of the public (teachers, lawyers, civil servants, government organizations, etc.) to improve the dissemination of knowledge of international humanitarian law.

Skopje Meeting

From 12 to 14 June a meeting of Red Cross and Red Crescent Societies in the Balkan countries took place in Skopje (Yugoslavia). Its purpose was to examine the role of National Societies within the frame of Protocol I.

The ICRC and the Henry Dunant Institute had prepared a 40-page document on this subject. The participants found it most stimulating as a starting point for discussions and hoped that all National Societies would be able to obtain copies for their members.

Two national seminars

Mention should be made of two national seminars, one organized by the Netherlands Red Cross at The Hague on 25 and 26 September and the other by the New Zealand Red Cross in Wellington in December 1978. The ICRC was represented at both seminars, which were attended by the staff of the organizing National Society, as well as by a large number of members of the armed forces and representatives of various ministries. The subjects studied gave rise to stimulating discussion.

San Remo Institute

The International Institute of Humanitarian Law held in San Remo its Fifth Round Table on contemporary problems of international humanitarian law from 6 to 9 September. The opening address was delivered by Mr. J. Pictet, Vice-President of the ICRC.

Among the subjects discussed, each of which was introduced by one or more rapporteurs, were the following: international humanitarian law; human rights; disarmament; and the implementation and dissemination of international humanitarian law and of the fundamental principles of the Red Cross.

Concurrently with the Round Table, the first course on the teaching of humanitarian law for English-speaking army officers took place at the Villa Nobel from 6 to 13 September. It was opened by Mr. Pictet, who delivered an address. Mr. Pilloud was among the speakers at this course, which was organized by Mr. de Mulinen and attended by more than thirty officers from countries of every continent.

A similar course for French-speaking officers had been previously held from 14 to 21 June 1978.

* * *

In conclusion, it may be said, in connection with this list of the meetings which were organized in 1978 by the Red Cross or in which the Red Cross took an active part, that the growing interest that was generally shown in the knowledge and spread of international humanitarian law was genuine and extremely keen. That was a positive phe-

nomenon which was bound to happen in a world afflicted by the upheavals we have witnessed in recent years.

A second point noted by the participants in the seminars related to the relatively scant acquaintance which they themselves had with the Geneva Conventions, the Protocols and international humanitarian law in general. This ignorance was met with at all levels of the Red Cross. In order to remedy this, the participants asked to be provided with teaching material that was simple and easy to understand, and that would put within the reach of everyone—of members of the Red Cross and of the public alike—an international humanitarian law which, it has to be acknowledged, has not become simpler with the passing of time.

BOOKS AND REVIEWS

R. COURVOISIER: CEUX QUI NE DEVAIENT PAS MOURIR ¹

The author of this book of reminiscences, written in French with the title "Those who should not have died", intended to make the army his career. It was only by chance that he became a member of the "third force". In every war since the time of Henry Dunant, unarmed men have ventured out between the two sides, endeavouring to alleviate the innumerable sufferings brought about by war. These are the delegates of the Red Cross, the "third force", and R. Courvoisier was one of them.

With great simplicity and sometimes with restrained emotion that nevertheless shows through, R. Courvoisier tells of the missions he accomplished from 1936 to 1975, first for the ICRC in Spain during the Civil War, and in the occupied and starving islands of the Aegean and the Dodecanese during the Second World War, then for the "Don Suisse" in war-ravaged Poland and for UNICEF and UNRWA in various Middle-Eastern countries on behalf of Palestinian refugees.

In fact, the author is not merely chronicling his humanitarian activities over forty years. His book paints a tragic picture of the indescribable suffering inflicted by human stupidity, blindness and cruelty on "those who should not have died": the innocent civilians, children and refugees, to whom death seemed the only escape from their sufferings. Turning the pages, the reader will travel in his mind's eye from the snow-covered scenery of Poland to the burning plains of the desert, but he will always be confronted with the tragedies of people. This is the kind of book that prompts the reader to examine his own conscience. A disturbing, deeply moving book indeed.

¹ Published by Robert Laffont - Opera Mundi, Paris, 1978, 275 pp.

THE SAMARITAN OF SOLFERINO

In its July 1978 edition, the review *Beiträge zur Weltlage* contains an interesting article on Henry Dunant, written by the editor, Mr. Ernst Schenkel, to mark the 150th anniversary of Dunant's birth.

The title of the article: "The Samaritan of Solferino and his humanitarian influence on the future"¹, and its direct reference to the Gospel parable, immediately set the tone. This is a study on the profound influence that the Christian religion of 19th Century Calvinistic Geneva, heavily imbued with the spirit of religious revival, had on Henry Dunant and how it was reflected in all his work. The author follows Dunant from childhood to old age and points to the constant presence of biblical inspiration in his writings, thoughts and deeds. What is more, he shows how Dunant patterned his life, unconsciously perhaps, on the biblical character Job. The article thus contributes to our understanding of Dunant's personality and spiritual development through the highly contrasting circumstances of his life. This aspect of Dunant's character, which biographers have certainly mentioned without studying it at any great depth, is described here with meticulous attention to detail.

L. C. GREEN:

SUPERIOR ORDERS IN NATIONAL AND INTERNATIONAL LAW²

Should criminal acts be defended on the plea that they were committed in obedience to superior orders? This is a question that has been discussed since a very long time. Justinian's maxim, which L.C. Green chose as an epigraph to his book, and quotations from Saint Augustine, Grotius, Victoria and Locke, serve to remind us of that fact. Even today

¹ *Der Samariter von Solferino und sein in die Zukunft wirkender Menschlichkeitsimpuls*, *Beiträge zur Weltlage*, No. 49/50, p. 1-19, July 1978, Wabern.

² A. W. Sijthoff, Leiden, 1376 xix+377 pp.

the question has not been definitively and uniformly settled and L.C. Green's attempt to take stock of this intricate problem is therefore of considerable interest.

His book is in two parts. In the first part, he investigates the problem from the angle of national law, examining the systems of law and jurisprudence of nearly thirty countries. In the second part, he examines it from the viewpoint of international law. As a general rule, national law is applied when a State has to deal with war crimes committed by its own nationals, while international law must be applied by national and international courts to enemy aliens and sometimes to nationals of a State's allies.

The author demonstrates that, as a general rule, international law does not, any more than national systems of law, recognize the possibility of superior orders as constituting a defence to a charge of a criminal character, at least when the orders involve acts which are manifestly illegal. But the order is often taken into consideration in deciding upon punishment.

In his conclusions, Green insists on the fact that the concept of a manifestly illegal act should not be a fixed concept founded on the criterion of what the "ordinary man" would consider to be unlawful, but should vary according to the personality and the social class of the author of the act. He also notes that it has been proved by tests that there is a tendency for men to obey any order, irrespective of its content, if he feels that it has been issued by a legitimate superior.

Taking into account all those considerations, as well as the need to enforce discipline among members of the armed forces and, accordingly, the presumption of legality with which superior orders must be clothed for subordinates, Green suggests six principles which might form the basis for guidance on this question in military manuals or in future international agreements:

- i. Lawful orders issued by superiors to subordinates under their command shall be obeyed by those subordinates.
- ii. There shall be a presumption that all orders issued by superiors to their inferiors are in fact legal.
- iii. If an order obviously entails the commission of a criminal act it shall not be obeyed.
- iv. No subordinate shall be liable to court martial or other disciplinary procedures for refusing to obey such an order.

- v. Should a subordinate obey such an order, the surrounding circumstances shall be taken into consideration in order to ascertain whether the order may be pleaded in mitigation of punishment. The tribunal shall also examine the personal characteristics of the accused, in considering mitigation.
- vi. In assessing whether the order obviously involves the commission of a criminal act, the tribunal shall consider how other people similar to the accused might have acted in identical circumstances.

Y.S.

Because of lack of space, the *International Review of the Red Cross* would like to sell part of its stock of back numbers of the Review, in English, French, Spanish and German, at very reasonable prices. Complete sets are available.

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EXTRACT FROM THE STATUTES OF
THE INTERNATIONAL COMMITTEE OF THE RED CROSS

ADOPTED 21 JUNE 1973

ART. 1. — *International Committee of the Red Cross*

1. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

2. It shall be a constituent part of the International Red Cross.¹

ART. 2. — *Legal Status*

As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — *Headquarters and Emblem*

The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be *Inter arma caritas*.

ART. 4. — *Role*

1. The special role of the ICRC shall be:

- (a) to maintain the fundamental principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross;
- (b) to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;
- (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;
- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve in humanitarian matters, as an intermediary between the parties;
- (e) to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions;
- (f) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities;
- (g) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension;
- (h) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

2. The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ART. 6 (first paragraph). — *Membership of the ICRC*

The ICRC shall co-opt its members from among Swiss citizens. It shall comprise fifteen to twenty-five members.

¹ The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term "National Red Cross Societies" includes the Red Crescent Societies and the Red Lion and Sun Society.

ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN (Democratic Republic) — Afghan Red Crescent, Puli Artan, *Kabul*.
- PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA — Albanian Red Cross, 35, Rruga e Barrikadave, *Tirana*.
- ALGERIA (Democratic and People's Republic) — Algerian Red Crescent Society, 15 bis, Boulevard Mohamed V, *Algiers*.
- ARGENTINA — Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross, 206, Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, *Vienna 4*.
- BAHAMAS — Bahamas Red Cross Society, P.O. Box N 91, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, 34, Bangabandhu Avenue, *Dacca 2*.
- PEOPLE'S REPUBLIC OF BENIN — Red Cross of Benin, B.P. 1, *Porto Novo*.
- BELGIUM — Belgian Red Cross, 98 Chaussée de Vleurgat, 1050 *Brussels*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Bizozov, *Sofia 27*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross, 42 Strand Road, Red Cross Building, *Rangoon*.
- BURUNDI — Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — Canadian Red Cross, 95 Wellesley Street East, *Toronto, Ontario, M4Y 1H6*.
- CENTRAL AFRICAN EMPIRE — Central African Red Cross, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., *Santiago*.
- CHINA (People's Republic) — Red Cross Society of China, 22 Kanmien Hutung, *Peking, E*.
- COLOMBIA — Colombian Red Cross, Carrera 7a, 34-65, Apartado nacional 1110, *Bogotá D.E.*
- CONGO, PEOPLE'S REPUBLIC OF THE — Croix-Rouge Congolaise, place de la Paix, *Brazzaville*.
- COSTA RICA — Costa Rican Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CUBA — Cuban Red Cross, Calle 23 201 esq. N. Vedado, *Havana*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, 118 04 *Prague I*.
- DENMARK — Danish Red Cross, Ny Vestergade 17, DK-1741 *Copenhagen K*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado Postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia, 118, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El-Galaa Street, *Cairo*.
- EL SALVADOR — El Salvador Red Cross, 3a Avenida Norte y 3a Calle Poniente, *San Salvador, C.A.*
- ETHIOPIA — Ethiopian Red Cross, Ras Desta Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 193 Rodwell Road, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu 1 A, Box 168, 00141 *Helsinki 14/15*.
- FRANCE — French Red Cross, 17 rue Quentin Bauchart, F-75384 *Paris CEDEX 08*.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross in the German Democratic Republic, Kaitzerstrasse 2, DDR 801 *Dresden 1*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, *Bonn 1*, Postfach (D.B.R.).
- GHANA — Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou 1, *Athens 135*.
- GUATEMALA — Guatemalan Red Cross, 3a Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUYANA — Guyana Red Cross, P.O. Box 351, Eve Leary, *Georgetown*.
- HAITI — Haiti Red Cross, Place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7a Calle, 1a y 2a Avenidas, *Comayagüela, D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca 31, *Budapest V*. Mail Add.: 1367 *Budapest 5*, Pf. 249.
- ICELAND — Icelandic Red Cross, Nóatúni 21, *Reykjavik*.
- INDIA — Indian Red Cross, 1 Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross, Jalan Abdul Muis 66, P.O. Box 2009, *Djakarta*.
- IRAN — Iranian Red Lion and Sun Society, Av. Villa, Carrefour Takhté Djamchid, *Teheran*.
- IRAQ — Iraqi Red Crescent, Al-Mansour, *Baghdad*.
- IRELAND — Irish Red Cross, 16 Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12 via Toscana, *Rome*.
- IVORY COAST — Ivory Coast Red Cross Society, B.P. 1244, *Abidjan*.
- JAMAICA — Jamaica Red Cross Society, 76 Arnold Road, *Kingston 5*.
- JAPAN — Japanese Red Cross, 1-3 Shiba-Daimon 1-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10 001, *Amman*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF — Red Cross Society of the Democratic People's Republic of Korea, *Pyongyang*.
- KOREA, REPUBLIC OF — The Republic of Korea National Red Cross, 32-3Ka Nam San-Dong, *Seoul*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1350, *Kuwait*.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, P.B. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru*.

- LIBERIA** — Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA** — Libyan Arab Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN** — Liechtenstein Red Cross, *Vaduz*.
- LUXEMBOURG** — Luxembourg Red Cross, Parc de la Ville, C.P. 404, *Luxembourg*.
- MALAGASY REPUBLIC** — Red Cross Society of the Malagasy Republic, rue Patrice Lumumba, *Antananarivo*.
- MALAWI** — Malawi Red Cross, Hall Road, *Blantyre* (P.O. Box 30080, Chichiri, *Blantyre* 3).
- MALAYSIA** — Malaysian Red Crescent Society, 519 Jalan Belfield, *Kuala Lumpur* 08-03.
- MALI** — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA** — Mauritanian Red Crescent Society, B.P. 344, Avenue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS** — Mauritius Red Cross, Ste Thérèse Street, *Curepipe*.
- MEXICO** — Mexican Red Cross, Avenida Ejército Nacional n° 1032, *México* 10 D.F.
- MONACO** — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA** — Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO** — Moroccan Red Crescent, B.P. 189, *Rabat*.
- NEPAL** — Nepal Red Cross Society, Tahachal, P.B. 217, *Kathmandu*.
- NETHERLANDS** — Netherlands Red Cross, 27 Prinsessegracht, *The Hague*.
- NEW ZEALAND** — New Zealand Red Cross, Red Cross House, 14 Hill Street, *Wellington* 1. (P.O. Box 12-140, *Wellington North*.)
- NICARAGUA** — Nicaragua Red Cross, D.N. Apartado 3279, *Managua*.
- NIGER** — Red Cross Society of Niger, B.P. 386, *Niamey*.
- NIGERIA** — Nigerian Red Cross Society, Eko Aketa Close, off St. Gregory Rd., P.O. Box 764, *Lagos*.
- NORWAY** — Norwegian Red Cross, Parkveien 33b, *Oslo*. Mail Add.: *Postboks 7034 H-Oslo* 3.
- PAKISTAN** — Pakistan Red Crescent Society, National Headquarters, 169, Sarwar Road, *Rawalpindi*.
- PAPUA NEW GUINEA** — Red Cross of Papua New Guinea, P.O. Box 6545, *Boroko*.
- PANAMA** — Panamanian Red Cross, Apartado Postal 668, Zona 1, *Panamá*.
- PARAGUAY** — Paraguayan Red Cross, Brasil 216, *Asunción*.
- PERU** — Peruvian Red Cross, Jirón Chancay 881, *Lima*.
- PHILIPPINES** — Philippine National Red Cross, 860 United Nations Avenue, P.O.B. 280, *Manila* 2801.
- POLAND** — Polish Red Cross, Mokotowska 14, *Warsaw*.
- PORTUGAL** — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, *Lisbon* 3.
- ROMANIA** — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei 29, *Bucarest*.
- SAN MARINO** — San Marino Red Cross, Palais gouvernemental, *San Marino*.
- SAUDI ARABIA** — Saudi Arabian Red Crescent, *Riyadh*.
- SENEGAL** — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE** — Sierra Leone Red Cross Society, 6A Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE** — Singapore Red Cross Society, 15 Penang Lane, *Singapore* 9.
- SOMALIA (DEMOCRATIC REPUBLIC)** — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.
- SOUTH AFRICA** — South African Red Cross, Cor. Kruis & Market Streets, P.O.B. 8726, *Johannesburg* 2001.
- SPAIN** — Spanish Red Cross, Eduardo Dato 16, *Madrid* 10.
- SRI LANKA (Dem. Soc. Rep. of)** — Sri Lanka Red Cross Society, 106 Dharmapala Mawatha, *Colombo* 7.
- SUDAN** — Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SWEDEN** — Swedish Red Cross, Fack, S-104 40 *Stockholm* 14.
- SWITZERLAND** — Swiss Red Cross, Taubenstrasse 8, B.P. 2699, *3001 Berne*.
- SYRIAN ARAB REPUBLIC** — Syrian Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA** — Tanzania Red Cross Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND** — Thai Red Cross Society, Paribatra Building, Chulalongkorn Memorial Hospital, *Bangkok*.
- TOGO** — Togolese Red Cross Society, 51 rue Boko Soga, P.O. Box 655, *Lomé*.
- TRINIDAD AND TOBAGO** — Trinidad and Tobago Red Cross Society, Wrightson Road West, P.O. Box 357, *Port of Spain*, Trinidad, West Indies.
- TUNISIA** — Tunisian Red Crescent, 19 rue d'Angleterre, *Tunis*.
- TURKEY** — Turkish Red Crescent, Yenisehir, *Ankara*.
- UGANDA** — Uganda Red Cross, Nabunya Road, P.O. Box 494, *Kampala*.
- UNITED KINGDOM** — British Red Cross, 9 Grosvenor Crescent, *London, SW1X 7EJ*.
- UPPER VOLTA** — Upper Volta Red Cross, P.O.B. 340, *Ouagadougou*.
- URUGUAY** — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.S.A.** — American National Red Cross, 17th and D Streets, N.W., *Washington, D.C.* 20006.
- U.S.S.R.** — Alliance of Red Cross and Red Crescent Societies, I. Tcheremushkinskii proezd 5, *Moscow* 117036.
- VENEZUELA** — Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, *Caracas*.
- VIET NAM, SOCIALIST REPUBLIC OF** — Red Cross of Viet Nam, 68 rue Bà-Triệu, *Hanoi*.
- YUGOSLAVIA** — Red Cross of Yugoslavia, Simina ulica broj 19, *Belgrade*.
- REPUBLIC OF ZAIRE** — Red Cross of the Republic of Zaire, 41 av. de la Justice, B.P. 1712, *Kinshasa*.
- ZAMBIA** — Zambia Red Cross, P.O. Box R.W.1, 2837 Brentwood Drive, *Lusaka*.